

CITY OF SAN BRUNO



567 El Camino Real
San Bruno, CA 94066
Voice: (650) 616-7074
Fax: (650) 873-6749
<http://sanbruno.ca.gov>

STAFF

Tom Williams
Community Development Director
Aaron Akin, AICP, *Associate Planner*
Pamela Thompson, *City Attorney*
Tanya Benedik, *Recording Secretary*

PLANNING COMMISSIONERS

Perry Petersen, *Chair*
Joe Sammut, *Vice-Chair*
Mary Lou Johnson
Bob Marshall Jr.
Robert Schindler
Mark Tobin
Kevin Chase

COMMUNITY DEVELOPMENT DEPARTMENT

PLANNING COMMISSION MINUTES

April 20, 2004

San Bruno Senior Center
1515 Crystal Springs Blvd.
7:00 P.M. to 10:30 P.M.

CALL TO ORDER at 7:00 p.m.

ROLL CALL

	<u>Present</u>	<u>Absent</u>
Chair Petersen	X	
Vice Chair Sammut	X	
Commissioner Johnson	X	
Commissioner Marshall		X (excused)
Commissioner Schindler		X (excused)
Commissioner Chase	X	
Commissioner Tobin	X	

STAFF PRESENT:

Planning Division: **Tom Williams**, Community Development Director
Aaron Akin, Associate Planner
Tanya Benedik, Secretary

City Attorney's Office: **Pamela Thompson**, City Attorney

Pledge of Allegiance **Vice Chair Sammut**

1. **Approval of Minutes** February (**Johnson/Chase**) **Tobin** abstain
March (**Tobin/Johnson**)
2. Communication N/A
3. Public Comment N/A
4. **124 Elm Avenue**

Request for a use permit to allow construction of an addition that would result in a greater than 50% expansion to the existing floor area and would exceed the .55 FAR guideline; per Section 12.200.030.B.1 & 12.200.030.B.2 of the San Bruno Zoning Ordinance – **Ronald Gleeson** (owner and applicant).

Associate Planner Aknin entered staff report. Staff recommends that the Planning Commission **approve** Use Permit 04-02 & Parking Exception 04-03 based on Findings of Fact (1-10) and Conditions of Approval (1-16). **Associate Planner Aknin** was requesting a condition of approval that was also a condition in 1998, which would ensure that the room in the garage would be removed to make the garage a tandem garage. **City Attorney Thompson** had several suggestions for conditions to be added on to this application. The concern is that the applicant was given instructions by the commission on a prior occasion to rectify the situation and did not do so. So the City wants to have a little more control.

1. Possibly having the illegal portion removed prior to building permit issuance.
2. Include that applicant shall have building inspection at least every 6 months or building permit will expire.
3. City officials have the right to inspect the property including the inside with 24 hours notice.
4. Applicant acknowledges that failure to remove the illegal portion of this home will result in code enforcement action.

Chair Petersen asked **City Attorney Thompson** if it would be feasible to require that the applicant to demo the illegal portion of the home prior to building permit issuance. **City Attorney Thompson** replied that that would be a good way to handle the matter. **Associate Planner Aknin** stated that the reason why he didn't put that suggestion into the report is because the items in that room now are going to be put into the addition once it is complete. So, he felt that as long as the applicant does remove it prior to building final he recommends approval. **Chair Petersen** asked about a building department permit being able to be open for an indefinite period of time. **Associate Planner Aknin** stated that if work were not done within a 6-month period it would be come a code enforcement case.

Public Hearing Opened

Applicant Mr. Gleeson was present to answer questions. He stated that he was offended that he is being accused of "hiding" an illegal unit downstairs. He said that he bought the house this way, and was very upfront with the fact that this unit was there from the first time that he came to the counter. **Associate Planner Aknin** confirmed the fact that he has always been very open with the fact that he bought this home with the illegal unit. The owner also stated that he doesn't understand why this addition would require a sprinkler system. He spoke to friends who did additions in San Bruno that are much larger and were not required to put in sprinklers. **Chair Petersen** stated that the commission doesn't write these conditions, but they are given to them by the recommendation of the Fire Department. He also doesn't feel that he should be responsible to repair the sidewalk in front of his home because of the damage from his neighbor's tree. **Community Development Director Williams** stated that the reason why this application requires a sprinkler is because they analyzed that there is not sufficient fire flow/pressure at this residence to fight a fire at the gallons per minute necessary to meet the standard. The Commission will be seeing more and more of this type of condition in certain neighborhoods because of that. **Chair Petersen** asked what it was that triggered this happening, and if we had adopted a new building code? **Community Development Director Williams** stated that no new building code was adopted, but as the City gets larger homes,

more remodels, more building permit activity, this condition will become more and more necessary in some neighborhoods. He stated that they have the water capacity but the underlying infrastructure in some areas only have a 2 inch water pipe and that is not sufficient to carry out the fire code needs to fight a fire in some neighborhoods. **Associate Planner Akin** also added that the SummerHill/Marisol Homes also had to be sprinklered. He also added that the homeowner is responsible for their driveway approach as well as the sidewalk in front of their home. If the damage is a result of a tree on a neighbor's property it is a civil matter. **Vice Chair Sammut** asked **Associate Planner Akin** about the minutes from the meeting on this project in 1997 it reflects that he (**Vice Chair Sammut**) asked specifically how staff could monitor the applicant's use of the garage for tandem parking, and that time City Planner Padovan responded that it is only monitored if a complaint regarding parking is filed. **Vice Chair Sammut** thought that the Building Department is responsible to ensure that as part of a building permit final that all the conditions for the use permit are taken care of at that time? **Associate Planner Akin** replied that he is correct. He went on to explain that now the Planning Department is getting more involved in the finalizing process of each building permit. This is because in the past, the conditions of approval from Planning were just stapled on to the job copy of each set of plans, and many times that stapled copy is torn off. So the building inspector is not aware of the conditions of approval. Now the Planning Department now has an additional condition of approval, which requires each building set of plans to have the conditions of approval printed right on to the first page of the plans. **Commissioner Chase** asked **Community Development Director Williams** if the Commission could have a copy of the neighborhoods that may be required to have their addition sprinklered, and perhaps even having it at the counter at time of submittal so that the homeowner is aware of it right away. **Community Development Director Williams** replied that he would get that information and also actually provide the commission with the fire code standard in terms of minutes per gallon.

Public Hearing Closed

Commissioner Tobin asked the applicant if he was opposed to taking care of the garage area, sidewalk repair, and the sprinklering of the addition. Owner **Mr. Gleeson** was not opposed to taking care of the garage area, but didn't agree that he had to repair the sidewalk. He took care of the tree on his property, which was damaging the sidewalk, but his neighbor never took care of his tree, and now it is damaging the sidewalk in front of his home. He felt it is the neighbor's responsibility to do that. **Commissioner Tobin** reminded that it would be a civil matter. He stated that he understood it, but didn't think it was fair. Owner Mr. Gleeson also felt that the sprinklering requirement was "wishy-washy". He didn't think that the resident should be penalized that there isn't adequate water supply. He asked if the two additions down the street were required to put sprinklers in their addition. **Chair Petersen** stated that they did not because this is something new that is being implemented. **Community Development Director Williams** wanted to clarify that the issue is not a capacity or supply problem, but the capacity in the existing pipe in the ground. The owner can either install a sprinkler system, or upgrade the infrastructure of the existing water pipes. He stated that the water supply is there, but the water pipes are not large enough for the water flow to fight a fire. **Commissioner Chase** asked **Community Development Director Williams** for clarification. **Community Development Director Williams** stated that this is a life safety situation, and there are two ways to solve this problem. 1) The building can be sprinklered, or 2) the City can look at a way to make the applicants responsible through a fee or through actual development to increase the capacity of our current infrastructure system. Actually upgrade the pipe on their block or figure out a way where we can master plan the infrastructure system to increase the capacity to meet today's requirements.

Applicant was hoping that he would be able to do the addition prior to removing the illegal unit so that he wouldn't have to get a storage unit to store the items in there. He feels that he would be able to get this project started prior to September. **Commissioner Tobin** feels that he should be able to get rid of the room prior to doing other construction. **Vice Chair Sammut** feels that this has been there for 7 years and can't see why this needs to be taken care of right away, and wants to allow the owner to do the construction so that he doesn't have to relocate the items. **Commissioner Johnson** feels that if the applicant is in compliance with.

Motion Sammut/Second Chase to approve Use Permit 04-02 & Parking Exception 04-03 based on Findings of Fact (1-10) and Conditions of Approval (1-19). (3 additional conditions suggested by City Attorney, 1) having an inspection at least every 6 months or permit will expire, 2) Illegal portion is to be removed and permit is to be finalized within 12 months from date of permit issuance, 3) City Officials have the right to inspect property with 24 hour notice.)

VOTE: 5-0-0
AYES: 5
NOES: 0
ABSTAIN: 0

(Chair Petersen advised of 10-day appeal period.)

FINDINGS FOR APPROVAL

1. Proper notice of the public hearing was given by legal notice published in the San Mateo Times, Saturday, April 10, 2004, and notices were mailed to property owners within 300 feet of the project site on April 9, 2004.
2. Noticing of the public hearing, conduct of said hearing, and an opportunity for all parties to present testimony was completed in accordance with the San Bruno Municipal Code, Article III, Zoning, and Chapter 12.132.
3. The applicant has been notified, both verbally and in writing herein, of the City's provision for an administrative appeal of the Planning Commission's final action to the City Council as provided for in the San Bruno Municipal Code, Article III, Chapter 12.140.
4. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301: Minor expansion to an existing facility.
5. The general appearance of the proposed addition is in keeping with the character of the neighborhood and will not be detrimental to the adjacent real property because the design and materials will match the existing structure and the proportions of the house are similar to other houses in the neighborhood.
6. The proposed addition will not unreasonably restrict or interfere with light and air on the property and other properties in the neighborhood, will not hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof, and is consistent with the design and scale of the neighborhood.

7. The construction of the addition is consistent with the San Bruno General Plan, which designates the property for low-density residential purposes.
8. The off-street parking will be adequate for the residence (two car tandem garage).
9. The strict application of the provisions of SBMC Chapter 12.200 would cause particular difficulty or undue hardship in connection with the use and enjoyment of the subject property.
10. That the establishment, maintenance and/or conducting of the off street parking facilities as proposed (tandem two-car garage) are as nearly in compliance with the requirements as set forth in 12.200.

CONDITIONS FOR APPROVAL

COMMUNITY DEVELOPMENT CONDITIONS (1-11):

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Department of Planning and Building within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 04-02 & Parking Exception 04-03 shall not be valid for any purpose. Use Permit 04-02 & Parking Exception 04-03 shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.
2. The signed copy of the conditions of approval shall be photocopied and included as a full size page in the Building Division set of drawings.
3. The request for a Use Permit and Parking Exception an addition to an existing dwelling shall be built according to plans approved by the Planning Commission on April 20, 2004, labeled Exhibit B except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Community Development Director.
4. The applicant shall obtain a City of San Bruno building permit before construction can proceed. The operation of any equipment or performance of any outside construction related to this project shall not exceed a noise level of 85 decibels (as measured at 100 feet) during the hours of 7:00 a.m. to 10:00 p.m. or exceed 60 decibels (as measured at 100 feet) from 10:00 p.m. to 7:00 a.m.
5. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.
6. The residence and garage shall be used only as a single-family residential dwelling unit. No portion of the residence or garage shall be rented out as a secondary residential dwelling unit.
7. The applicant shall remove the wall and bathroom currently located in the tandem garage.

8. The garage shall be used for the storage of two (2) motor vehicles and shall not be used as habitable living space as defined in the Uniform Building Code. Failure to conform to this condition is grounds for code enforcement action, which may result in substantial code compliance costs to bring the garage back into conformance.
9. This permit is to be inspected every six months or permit will expire
10. Applicant is to comply with any City Official's request to inspect the subject property, including the inside upon a 24-hour notice.
11. Applicant acknowledges and understands that failure to remove the illegal structure/portions and have permit finalized within 12 months from date of issuance, or it shall result in code enforcement action.

FIRE DEPARTMENT CONDITIONS (12 - 14)

12. Address numbers must be at least four (4) inches in height, of a contrasting color to the background, and must be lighted during the hours of darkness.
13. Smoke alarms shall be hardwired and interconnected.
14. The available fire flow for the 124 Elm Ave. is inadequate. The fire department will require that, as a minimum, the addition, attic and garage be provided with a NFPA 13D fire sprinkler system.

PUBLIC WORKS CONDITIONS (15-19)

15. Storm water from new addition and garage roof downspouts and other on-site drainage shall be collected and drained to an underground storm water drainage system or through a curb drain to the gutter.
16. Paint house number on the face of the curb near the driveway approach. It must be black lettering with a white background.
17. The applicant must obtain an encroachment permit through the Public Works Department prior to issuance of the Building Permit.
18. No fence, retaining wall, or other permanent structure shall be placed within 2' from the back of the sidewalk.
19. Replace all broken or raised concrete in sidewalk and driveway approach as marked.

5. 1921 Willow Way

Request for a use permit to allow construction of an addition would result in a greater than 50% expansion to the existing residence and exceed the .55 FAR guideline; per Section 12.200.030.B.1 & 12.200.030.B.2 of the San Bruno Zoning Ordinance – Baron T. Gee (Architect/Applicant); Robert Garza, (Owner).

Associate Planner Aknin entered staff report. Staff recommends that the Planning Commission approve Use Permit 04-08 based on Findings of Fact (1-8) and Conditions of Approval (1-15).

Public Hearing Opened

Owner Garza was present to answer questions. He stated that he had wanted the addition due to a growing family.

Public Hearing Closed

Commissioner Tobin read a concern from a neighbor regarding construction noise.

Associate Planner Aknin stated that construction hours are from 7 a.m. – 10 p.m.

Motion Chase/Second Johnson to approve Use Permit 04-08 based on Findings of Fact (1-8) and Conditions of Approval (1-15).

VOTE:	5-0-0
AYES:	5
NOES:	0
ABSTAIN:	0

(Chair Petersen advised of 10-day appeal period.)

FINDINGS FOR APPROVAL

1. Proper notice of the public hearing was given by legal notice published in the San Mateo Times, Saturday, April 10, 2004, and notices were mailed to property owners within 300 feet of the project site on April 9, 2004.
2. Noticing of the public hearing, conduct of said hearing, and an opportunity for all parties to present testimony was completed in accordance with the San Bruno Municipal Code, Article III, Zoning, and Chapter 12.132.
3. The applicant has been notified, both verbally and in writing herein, of the City's provision for an administrative appeal of the Planning Commission's final action to the City Council as provided for in the San Bruno Municipal Code, Article III, Chapter 12.140.
4. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301: Minor expansion to an existing facility.
5. The general appearance of the proposed addition is in keeping with the character of the neighborhood and will not be detrimental to the adjacent real property because the design and materials will match the existing structure and the proportions of the house are similar to other houses in the neighborhood.
6. The proposed addition will not unreasonably restrict or interfere with light and air on the property and other properties in the neighborhood, will not hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof, and is consistent with the design and scale of the neighborhood.

7. The construction of the addition is consistent with the San Bruno General Plan, which designates the property for low-density residential purposes.
8. The off-street parking will be adequate for the residence.

CONDITIONS FOR APPROVAL

COMMUNITY DEVELOPMENT CONDITIONS (1-8):

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Department of Planning and Building within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 04-08 shall not be valid for any purpose. Use Permit 04-08 shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.
2. The signed copy of the conditions of approval shall be photocopied and included as a full size page in the Building Division set of drawings.
3. The request for a Use Permit for an addition to an existing dwelling shall be built according to plans approved by the Planning Commission on April 20, 2004, labeled Exhibit B except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Community Development Director.
4. The applicant shall obtain a City of San Bruno building permit before construction can proceed. The operation of any equipment or performance of any outside construction related to this project shall not exceed a noise level of 85 decibels (as measured at 100 feet) during the hours of 7:00 a.m. to 10:00 p.m. or exceed 60 decibels (as measured at 100 feet) from 10:00 p.m. to 7:00 a.m.
5. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.
6. The residence and garage shall be used only as a single-family residential dwelling unit. No portion of the residence or garage shall be rented out as a secondary residential dwelling unit.
7. The garage shall be used for the storage of two (2) motor vehicles and shall not be used as habitable living space as defined in the Uniform Building Code. Failure to conform to this condition is grounds for code enforcement action, which may result in substantial code compliance costs to bring the garage back into conformance.
8. A 4" sewer line must be installed for the fourth toilet. This shall go through the floorline and to the street connection.

FIRE DEPARTMENT CONDITIONS (9-10)

9. Address numbers must be at least four (4) inches in height, of a contrasting color to the background, and must be lighted during the hours of darkness.

10. Smoke alarms shall be hardwired and interconnected.

PUBLIC WORKS CONDITIONS (11-15)

11. Storm water from new addition and garage roof downspouts and other on-site drainage shall be collected and drained to an underground storm water drainage system or through a curb drain to the gutter.

12. Paint house number on the face of the curb near the driveway approach. It must be black lettering with a white background.

13. The applicant must obtain an encroachment permit through the Public Works Department prior to issuance of the Building Permit.

14. No fence, retaining wall, or other permanent structure shall be placed within 4'6" from the back of the sidewalk.

15. Install a sanitary sewer clean out per City standards.

6. 479 Oak Street

Request for a use permit and variance to allow construction of an addition would result in a greater than 50% expansion to the existing residence and exceed the .55 FAR guideline; per Section 12.200.030.B.1 & 12.200.030.B.2 of the San Bruno Zoning Ordinance – Jorge & Milan Prieto (Owners).

Associate Planner Aknin entered staff report. Staff recommends that the Planning Commission approve Use Permit 04-08 & Variance 04-03 based on Findings of Fact (1-10) and Conditions of Approval (1-17).

Public Hearing Opened

Applicant Mr. Prieto was present to answer questions.

Public Hearing Closed

Motion Johnson/Second Tobin to approve Use Permit 04-08 & Variance 04-03 based on Findings of Fact (1-10) and Conditions of Approval (1-17).

VOTE:	5-0-0
AYES:	5
NOES:	0
ABSTAIN:	0

(Chair Petersen advised of 10-day appeal period.)

FINDINGS FOR APPROVAL

1. That because of the substandard width of this lot, the strict application of this article will deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification.

2. That the variance granted should be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of a special privilege inconsistent with the limitations upon other properties in the vicinity and district in which the subject property is located.
3. Proper notice of the public hearing was given by legal notice published in the San Mateo Times, Saturday, March 6, 2004, and notices were mailed to property owners within 300 feet of the project site on March 5, 2004.
4. Noticing of the public hearing, conduct of said hearing, and an opportunity for all parties to present testimony was completed in accordance with the San Bruno Municipal Code, Article III, Zoning, and Chapter 12.132.
5. The applicant has been notified, both verbally and in writing herein, of the City's provision for an administrative appeal of the Planning Commission's final action to the City Council as provided for in the San Bruno Municipal Code, Article III, Chapter 12.140.
6. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301: Minor expansion to an existing facility.
7. The general appearance of the proposed addition is in keeping with the character of the neighborhood and will not be detrimental to the adjacent real property because the design and materials will match the existing structure and the proportions of the house are similar to other houses in the neighborhood.
8. The proposed addition will not unreasonably restrict or interfere with light and air on the property and other properties in the neighborhood, will not hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof, and is consistent with the design and scale of the neighborhood.
9. The construction of the addition is consistent with the San Bruno General Plan, which designates the property for low-density residential purposes.
10. The off-street parking will be adequate for the residence.

CONDITIONS FOR APPROVAL

COMMUNITY DEVELOPMENT CONDITIONS (1-7):

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Department of Planning and Building within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 04-09 & VA-04-03 shall not be valid for any purpose. Use Permit 04-09 & VA-04-03 shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.
2. The signed copy of the conditions of approval shall be photocopied and included as a full size page in the Building Division set of drawings.

3. The request for a Use Permit for an addition to an existing dwelling shall be built according to plans approved by the Planning Commission on April 20, 2004, labeled Exhibit B except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Community Development Director.
4. The applicant shall obtain a City of San Bruno building permit before construction can proceed. The operation of any equipment or performance of any outside construction related to this project shall not exceed a noise level of 85 decibels (as measured at 100 feet) during the hours of 7:00 a.m. to 10:00 p.m. or exceed 60 decibels (as measured at 100 feet) from 10:00 p.m. to 7:00 a.m.
5. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.
6. The residence and garage shall be used only as a single-family residential dwelling unit. No portion of the residence or garage shall be rented out as a secondary residential dwelling unit.
7. The garage shall be used for the storage of one motor vehicle and shall not be used as habitable living space as defined in the Uniform Building Code. Failure to conform to this condition is grounds for code enforcement action, which may result in substantial code compliance costs to bring the garage back into conformance.

FIRE DEPARTMENT CONDITIONS (8-9)

8. Address numbers must be at least four (4) inches in height, of a contrasting color to the background, and must be lighted during the hours of darkness.
9. Smoke alarms shall be hardwired and interconnected.

PUBLIC WORKS CONDITIONS (10-17)

10. The applicant must obtain an encroachment permit through the Public Works Department prior to issuance of the Building Permit.
11. The applicant shall install a sanitary sewer clean-out per City Standards.
12. Storm water from new addition and garage roof downspouts and other on-site drainage shall be collected and drained to an underground storm water drainage system or through a curb drain to the gutter.
13. Paint house number on the face of the curb near the driveway approach. It must be black lettering with a white background.
14. Applicant shall replace all broken or raised concrete in the sidewalk and/or driveway approach as marked.
15. The applicant must remove all weeds and grass from sidewalk, curb and gutter.

16. Drain in driveway and front wall needs to be relocated to the undersidewalk drain.
17. No fence, retaining wall, or other permanent structure shall be placed within 2' from the back of the sidewalk.

7. 2521 Fleetwood Drive

Request for a use permit to allow construction of an addition would result in a greater than 50% expansion to the existing residence, exceed the .55 FAR guideline, and exceed 2,900 square feet with only a two car garage; per Section 12.200.030.B.1, 12.200.030.B.2, & 12.200.080.B of the San Bruno Zoning Ordinance – James & Amy Cecil (Applicant & Owner).

Associate Planner Akin entered staff report. Staff recommends that the Planning Commission **approve** Use Permit 04-10 based on Findings of Fact (1-8) and Conditions of Approval (1-13).

Public Hearing Opened

Owner Mr. Cecil was present to answer questions. **Commissioner Tobin** asked if applicant agreed with the conditions of approval. Applicant stated that he did.

Public Hearing Closed

Motion Tobin/Second Johnson to **approve** Use Permit 04-10 based on Findings of Fact (1-8) and Conditions of Approval (1-13).

VOTE:	5-0-0
AYES:	5
NOES:	0
ABSTAIN:	0

(Chair Petersen advised of 10-day appeal period.)

FINDINGS FOR APPROVAL

1. Proper notice of the public hearing was given by legal notice published in the San Mateo Times, Saturday, April 10, 2004, and notices were mailed to property owners within 300 feet of the project site on April 9, 2004.
2. Noticing of the public hearing, conduct of said hearing, and an opportunity for all parties to present testimony was completed in accordance with the San Bruno Municipal Code, Article III, Zoning, and Chapter 12.132.
3. The applicant has been notified, both verbally and in writing herein, of the City's provision for an administrative appeal of the Planning Commission's final action to the City Council as provided for in the San Bruno Municipal Code, Article III, Chapter 12.140.
4. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301: Minor expansion to an existing facility.

5. The general appearance of the proposed addition is in keeping with the character of the neighborhood and will not be detrimental to the adjacent real property because the design and materials will match the existing structure and the proportions of the house are similar to other houses in the neighborhood.
6. The proposed addition will not unreasonably restrict or interfere with light and air on the property and other properties in the neighborhood, will not hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof, and is consistent with the design and scale of the neighborhood.
7. The construction of the addition is consistent with the San Bruno General Plan, which designates the property for low-density residential purposes.
8. The off-street parking will be adequate for the residence.

CONDITIONS FOR APPROVAL

COMMUNITY DEVELOPMENT CONDITIONS (1-8):

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Department of Planning and Building within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 04-10 shall not be valid for any purpose. Use Permit 04-10 shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.
2. The signed copy of the conditions of approval shall be photocopied and included as a full size page in the Building Division set of drawings.
3. The request for a Use Permit for an addition to an existing dwelling shall be built according to plans approved by the Planning Commission on April 20, 2004, labeled Exhibit B except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Community Development Director.
4. The applicant shall obtain a City of San Bruno building permit before construction can proceed. The operation of any equipment or performance of any outside construction related to this project shall not exceed a noise level of 85 decibels (as measured at 100 feet) during the hours of 7:00 a.m. to 10:00 p.m. or exceed 60 decibels (as measured at 100 feet) from 10:00 p.m. to 7:00 a.m.
5. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.
6. The residence and garage shall be used only as a single-family residential dwelling unit. No portion of the residence or garage shall be rented out as a secondary residential dwelling unit.

7. The garage shall be used for the storage of one motor vehicle and shall not be used as habitable living space as defined in the Uniform Building Code. Failure to conform to this condition is grounds for code enforcement action, which may result in substantial code compliance costs to bring the garage back into conformance.
8. The accessory structure currently located on the left side property line must be removed prior to final building department approval.

FIRE DEPARTMENT CONDITIONS (9-10)

9. Address numbers must be at least four (4) inches in height, of a contrasting color to the background, and must be lighted during the hours of darkness.
10. Smoke alarms shall be hardwired and interconnected.

PUBLIC WORKS CONDITIONS (11-14)

11. The applicant must obtain an encroachment permit through the Public Works Department prior to issuance of the Building Permit.
12. The applicant shall install a sanitary sewer clean-out per City Standards.
13. Storm water from new addition and garage roof downspouts and other on-site drainage shall be collected and drained to an underground storm water drainage system or through a curb drain to the gutter.
14. No fence, retaining wall, or other permanent structure shall be placed within 5'6" from the back of the sidewalk.

8. 2951 Crestmoor Drive

Request for a use permit to allow construction of an second story addition to an existing two story home which would exceed the .55 FAR guideline per Section 12.200.030.B.2 of the San Bruno Zoning Ordinance – Laura Lombardi-Blunt (Owner).

Associate Planner Akin entered staff report. Staff recommends that the Planning Commission **approve** Use Permit 04-11 based on Findings of Fact (1-8) and Conditions of Approval (1-14).

Public Hearing Opened

Applicant Mr. Blunt was present to answer questions. Explained that he wanted to expand the home because his family is growing.

Public Hearing Closed

Motion Chase/Second Tobin to **approve** Use Permit 04-11 based on Findings of Fact (1-8) and Conditions of Approval (1-14).

VOTE: 5-0-0
AYES: 5

NOES: 0
ABSTAIN: 0

(Chair Petersen advised of 10-day appeal period.)

FINDINGS FOR APPROVAL

1. Proper notice of the public hearing was given by legal notice published in the San Mateo Times, Saturday, April 10, 2004, and notices were mailed to property owners within 300 feet of the project site on April 9, 2004.
2. Noticing of the public hearing, conduct of said hearing, and an opportunity for all parties to present testimony was completed in accordance with the San Bruno Municipal Code, Article III, Zoning, and Chapter 12.132.
3. The applicant has been notified, both verbally and in writing herein, of the City's provision for an administrative appeal of the Planning Commission's final action to the City Council as provided for in the San Bruno Municipal Code, Article III, Chapter 12.140.
4. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301: Minor expansion to an existing facility.
5. The general appearance of the proposed addition is in keeping with the character of the neighborhood and will not be detrimental to the adjacent real property because the design and materials will match the existing structure and the proportions of the house are similar to other houses in the neighborhood.
6. The proposed addition will not unreasonably restrict or interfere with light and air on the property and other properties in the neighborhood, will not hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof, and is consistent with the design and scale of the neighborhood.
7. The construction of the addition is consistent with the San Bruno General Plan, which designates the property for low-density residential purposes.
8. The off-street parking will be adequate for the residence.

CONDITIONS FOR APPROVAL

COMMUNITY DEVELOPMENT CONDITIONS (1-8):

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Department of Planning and Building within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 04-11 shall not be valid for any purpose. Use Permit 04-11 shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.

2. The signed copy of the conditions of approval shall be photocopied and included as a full size page in the Building Division set of drawings.
3. The request for a Use Permit for an addition to an existing dwelling shall be built according to plans approved by the Planning Commission on April 20, 2004, labeled Exhibit B except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Community Development Director.
4. The applicant shall obtain a City of San Bruno building permit before construction can proceed. The operation of any equipment or performance of any outside construction related to this project shall not exceed a noise level of 85 decibels (as measured at 100 feet) during the hours of 7:00 a.m. to 10:00 p.m. or exceed 60 decibels (as measured at 100 feet) from 10:00 p.m. to 7:00 a.m.
5. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.
6. The residence and garage shall be used only as a single-family residential dwelling unit. No portion of the residence or garage shall be rented out as a secondary residential dwelling unit.
7. The garage shall be used for the storage of one motor vehicle and shall not be used as habitable living space as defined in the Uniform Building Code. Failure to conform to this condition is grounds for code enforcement action, which may result in substantial code compliance costs to bring the garage back into conformance.
8. All existing accessory structures that are located closer than 1' from the property lines or 6' from the house must be removed prior to final Building Department approval.

FIRE DEPARTMENT CONDITIONS (9-10)

9. Address numbers must be at least four (4) inches in height, of a contrasting color to the background, and must be lighted during the hours of darkness.
10. Smoke alarms shall be hardwired and interconnected.

PUBLIC WORKS CONDITIONS (11-14)

11. The applicant must obtain an encroachment permit through the Public Works Department prior to issuance of the Building Permit.
12. The applicant shall install a sanitary sewer clean-out per City Standards.
13. Storm water from new addition and garage roof downspouts and other on-site drainage shall be collected and drained to an underground storm water drainage system or through a curb drain to the gutter.
14. No fence, retaining wall, or other permanent structure shall be placed within 5'6" from the back of the sidewalk.

9. 1100 El Camino Real

Request for Tentative Map for the creation of a new parcel in the Tanforan Park Shopping Center Planned Development per Chapter 12.32 of the San Bruno Municipal Code. Tanforan Park Shopping Center LLC (Applicant), Sears Roebuck & Company (Current Owner).

Associate Planner Aknin asked to have this application continued to May 4, 2004 Planning Commission. No notification required.

Public Hearing Opened

N/A

Public Hearing Closed

Motion Johnson /Second Chase to continue to the May 4, 2004 Planning Commission Meeting.

VOTE:	5-0-0
AYES:	5
NOES:	0
ABSTAIN:	0

10. 533 San Mateo Avenue

Request for a Parking Exception related to change in use from retail food market to restaurant per Chapter 12.100.120 of the San Bruno Zoning Ordinance; and a Use Permit for a restaurant with alcoholic beverage sales per Ordinance No. 1685 and 1686. The Parking Exception and Use Permit will be reviewed by the Planning Commission on April 20, 2004. Maria Ayar (applicant), Robert A. Habeeb, (owner).

Associate Planner Aknin recommends that the commission continue this to the May 4, 2004 planning commission. **Commissioner Tobin** asked to have the owner of this business notified that there is the redevelopment program available for his business.

Public Hearing Opened

N/A

Public Hearing Closed

Motion Tobin/Second Chase to continue to the May 4, 2004 Planning Commission Meeting.

VOTE:	5-0-0
AYES:	5
NOES:	0
ABSTAIN:	0

11. 421 El Camino Real

Request for an amendment to an existing use permit to allow a change in hotel franchise per chapter 12.112 San Bruno Zoning Ordinance.

Associate Planner Aknin stated that this application has been withdrawn.

Public Hearing Opened

N/A

Public Hearing Closed

12. 1318 Niles Avenue

Request for an amendment to a Use Permit to allow significant architectural changes to drawings for a new home; per Sections 12.200.030.A.1, 12.200.040.B, and 12.200.050.B of the San Bruno Zoning Ordinance –Guo Xin Tan (Owner) John Lau (applicant/architect).

Associate Planner Aknin entered staff report. He gave a brief history of this application, which goes back to 2002. Staff recommends that the San Bruno Planning Commission approve **Architectural Review Permit 03-03 and Use Permit 02-61** subject to the attached Findings of Fact (1-8) and Conditions of Approval (1-15).

Public Hearing Opened

Owner was present to answer questions. **Mr. Carillo** on Beech Ave was present and expressed his concern about the reduction of the height of the house. He suggested putting the garage on the lower side, and it would reduce the height by about 30 inches. The applicant was concerned that he would lose a parking space, and **Mr. Carillo** measured it out, and it really didn't make any difference. **Mr. DeMartini** was present to express his concern of the height of this building and wanted to confirm that it is 2 feet lower than was proposed originally. **Associate Planner Aknin** stated that it was 2 feet lower, one foot by ceiling height, and one foot by excavating beneath the home.

Public Hearing Closed

Commissioner Tobin commended the applicant on bringing the home down 2 feet and reducing the FAR and likes the garage where it is proposed. **Vice Chair Sammut** asked why there is no sprinkler required in this application. **Associate Planner Aknin** stated that the fire flow was sufficient in this application, and unless there is a deficiency in the addition Fire Department does not put that condition on a Use Permit.

Commissioner Tobin asked **City Attorney Thompson** if the Planning Commission wanted to add a condition of approval to require sprinklering a home, could they do that? **City Attorney Thompson** stated that if there is a reasonable nexus to the condition, they could do so.

Motion Johnson /Second Chase to approve **Architectural Review Permit 03-03 and Use Permit 02-61** subject to the attached Findings of Fact (1-8) and Conditions of Approval (1-15).

VOTE:	5-0-0
AYES:	5
NOES:	0
ABSTAIN:	0

(Chair Petersen advised of 10-day appeal period.)

FINDINGS FOR APPROVAL

1. Proper notice of the public hearing was given by legal notice published in the San Bruno Herald, Saturday, April 10, 2004, and notices were mailed to property owners within 300 feet of the project site on April 9, 2004.
2. Noticing of the public hearing, conduct of said hearing, and an opportunity for all parties to present testimony was completed in accordance with the San Bruno Municipal Code, Article III, Zoning, and Chapter 12.132.
3. The applicant has been notified, both verbally and in writing herein, of the City's provision for an administrative appeal of the Planning Commission's final action to the City Council as provided for in the San Bruno Municipal Code, Article III, Chapter 12.140.
4. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15332: Infill Development Projects.
5. The general appearance of the proposed home is in keeping with the character of the neighborhood and will not be detrimental to the adjacent real property because the size of the house is consistent with other houses in the neighborhood.
6. The proposed home will not unreasonably restrict or interfere with light and air on the property and other properties in the neighborhood, will not hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof, and is consistent with the design and scale of the neighborhood.
7. The construction of the home is consistent with the San Bruno General Plan, which designates the property for low-density residential purposes.
8. The off-street parking provided will be adequate for the residence.

CONDITIONS FOR APPROVAL

Community Development Department (1-7)

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Department of Planning and Building within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 02-61 & ARC 03-03 shall not be valid for any purpose. Use Permit 02-61 & ARC 03-03 shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.
2. The signed copy of the conditions of approval shall be photocopied and included as a full size page in the Building Division set of drawings.
3. The request for a Use Permit for a new home shall be built according to plans approved by the Planning Commission on April 20, 2004, labeled Exhibit B except as required to

be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Community Development Director.

4. The applicant shall obtain a City of San Bruno building permit before construction can proceed. The operation of any equipment or performance of any outside construction related to this project shall not exceed a noise level of 85 decibels (as measured at 100 feet) during the hours of 7:00 a.m. to 10:00 p.m. or exceed 60 decibels (as measured at 100 feet) from 10:00 p.m. to 7:00 a.m.
5. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.
6. The residence and garage shall be used only as a single-family residential dwelling unit. No portion of the residence or garage shall be rented out as a secondary residential dwelling unit.
7. The garage shall be used for the storage of one motor vehicle and shall not be used as habitable living space as defined in the Uniform Building Code. Failure to conform to this condition is grounds for code enforcement action, which may result in substantial code compliance costs to bring the garage back into conformance.

FIRE DEPARTMENT CONDITIONS (8-9)

8. Address numbers must be at least four (4) inches in height, of a contrasting color to the background, and must be lighted during the hours of darkness.
9. Smoke alarms shall be hardwired and interconnected.

PUBLIC WORKS CONDITIONS (10-15)

10. The applicant must obtain an encroachment permit through the Public Works Department prior to issuance of the Building Permit.
11. Storm water from roof downspouts and other on-site drainage shall be collected and drained to an underground storm water drainage system or through a curb drain to the gutter.
12. No fence, retaining wall, or other permanent structure shall be placed within 2" from the back of the sidewalk.
13. The applicant must obtain a use permit through the Public Works Department prior to obtaining a building permit.
14. Erosion control plan and storm water pollution prevention plan required. Must show existing storm drain inlets and other storm water collection locations protected by silt screens or silt fence. Work shall conform with the current NPDES requirements.
15. Applicant shall pay water and sewer capacity charges based on the size of the water meter installed.

13. Staff Discussion

May 13, 2004 - Arch. Review: **Sammut, Tobin, Petersen**

Community Development Director Williams followed up with Tosetti application to the City Council. He stated that it was heard at the City Council meeting the week before, and the council did uphold the Planning Commission's decision to deny the appeal, and then directed staff to analyze and prepare an amendment to the fence ordinance to require a use permit in situations such as Mr. Tosetti's property to allow a review process on fences, trellis, or equivalent type structures that exceed 6-feet for an architecture review committee review.

Commissioner Tobin asked if a decision would be made at that level. **Community Development Director Williams** replied that they were reviewing now, and as they prepare the draft ordinance they will bring it before the Planning Commission for review and discussion and look to the Planning Commission to make a recommendation on the ordinance up to the council.

14. Planning Commission Discussion

Chair Petersen welcomed **City Manager Jackson** to the Planning Commission meeting.

Tom Williams,
Secretary to the Planning Commission
City of San Bruno

Perry Petersen, Chairperson
Planning Commission
City of San Bruno

NEXT MEETING: May 4, 2004

TCW/tb

Adjourned at: 8:20 p.m.